



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EPA REGION VIII
SUPERFUND BRANCH

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5-9.01



335271

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Honorable Wayne Owens
House of Representatives
Washington, D.C. 20515

Dear Mr. Owens:

This is in response to your February 27, 1989, letter to Larry Reed of my staff discussing the Richardson Flat Tailings site in Summit County, Utah. The site was proposed to the National Priorities List (NPL) in Update #7 on June 24, 1988. The Environmental Protection Agency (EPA) is currently evaluating comments received on the proposed listing of the site and has not made a final decision.

Your letter takes issue with EPA for sending a February 10, 1989, Special Notice Letter (SNL) to potentially responsible parties (PRPs), contrary to a commitment you believe EPA made to you that it would not spend funds, nor require United Park City Mines Company to spend funds, for a remedial investigation until it had addressed the detailed comments received on the proposed listing of the Richardson Flat Tailings site. Your letter requests that EPA withdraw its SNL and address the comments received on the proposed listing.

In response to your concern, the EPA Region VIII office which initiated the SNL has clarified the situation. In the March 14, 1989, letter (enclosed) to PRPs, EPA Region VIII explained that the 60-day moratorium (the time during which United Park City Mines could agree to perform a remedial investigation rather than have EPA perform the work and seek cost recovery) did not begin upon the receipt of the SNL. Rather, the 60 day moratorium only begins upon receipt by a PRP of three items: the SNL, a proposed draft Administrative Order, and a draft scope of work. Since a draft Administrative Order is not ready and has not been sent for the Richardson Flat Tailings site, none of the potentially responsible parties is currently operating under any deadlines.

I also want to clear up an apparent misunderstanding on this issue. As explained in my November 21, 1988, letter to you, EPA did not agree that no funds will be expended for further studies until a final decision on listing is made; rather EPA agreed to

Region 8

-2-

carefully consider your concerns before initiating any studies or other action at the site. A decision on listing is not a prerequisite to further studies at a site.

I hope this clarifies the Agency's position with respect to both the listing of the site and the SNL which was sent. If I or my staff can be of further assistance, please let us know.

Sincerely,



Jonathan Z. Cannon
Acting Assistant Administrator

Enclosure